IN RE: PETITION FOR ZONING VARIANCE

(15116 York Road)

Belfast Road

John Merryman

President, Paul Hupfer;

W/S York Road, 315' S of

3rd Councilmanic District

8th Election District

County this \_\_\_\_\_\_ day of May, 1991 that the Order issued April 17, 1991 be and the same is hereby AMENDED to modify Restriction No. 2 thereof to read as follows: "2) The relief granted herein is limited to the use of the subject property as an antique shop. In the

event the property is sold or its use as an antique shop is discontinued for one hundred twenty days (120) or more, the relief granted herein shall terminate."

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 91-222-A

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for May of April, 1991 that the Petition for Baltimore County this \_\_\_\_\_\_\_ Zoning Variance to permit 3 existing parking spaces in lieu of the 4 required and existing design, screening, landscaping and unstriped stone surface for parking in lieu of that required, and a setback of 2 feet from the street right-of-way for off-street parking in lieu of the minimum required 10 feet, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> 2) The relief granted herein is limited to the use of the subject property as an antique shop. In the event the property is sold or its use as an antique shop is discontinued, the relief granted herein shall terminate.

> 3) The relief granted herein is conditioned upon compliance with the conditions and restrictions contained in the Order issued in Case No. 90-475-XA.

> 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

1 M No ferme a ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

IT IS FURTHER ORDERED that all other conditions and restrictions contained in the Order issued April 17, 1991 shall remain in full force and effect.

Deputy Zoning Commissioner for Baltimore County

AMN:bis

cc: Lewis L. Fleury, Esquire

424 Woodbine Avenue, Towson, Maryland 21204 Mr. John G. Leonard, Jr. 29 Chesterfield Court, Monkton, Md. 21111

Mr. Paul Hupfer 831 Walter Lane, Sparks, Md. 21152

People's Counsel

887-3353

John Merryman Petitioner \* \* \* \* \* \* \* \* \* \*

IN RE: PETITION FOR ZONING VARIANCE

parking spaces in lieu of the 4 required and existing design, screening, landscaping and unstriped stone surface for parking in lieu of that required, and a setback of 2 feet from the street right-of-way for offstreet parking in lieu of the minimum required 10 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Lewis L. Fleury, Esquire. Also appearing on behalf of the Petition were Janinne Rogers and Judith L. Wilson, Tenants, and Eugene F. Raphel, Surveyor.

Testimony indicated that the subject property, known as 15116 York Road, consists of 1.003 acres zoned R.C. 5 and is improved with a one-story building presently used as an antique shop. Said property was the subject matter of previous Case No. 90-475-XA in which a special exception and variances were requested by Petitioner. Subsequent to the hearing in Case No. 90-475-XA, the matter was continued to allow Petitioner time to file the instant Petition for additional variances as all parties at the original hearing were opposed to the addition of paved parking spaces and felt it was unnecessary.

The Protestants, while in principle are opposed to the relief

W/S York Road, 315' S of Belfast Road (15116 York Road) 3th Election District 3rd Councilmanic District

\* DEPUTY ZONING COMMISSIONER \* OF BALTIMORE COUNTY

\* Case No. 91-222-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 3 existing

Appearing as a Protestant in the matter was Paul A. Hupfer.

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section s 409 6.2 and 409 8A to allow 3 existing parking spaces rather than 4 required; and existing design, screening, landscaping and unstriped stone surface for parking rather than those required, also 2 foot setback from street

right-of-way for off-street parking in lieu of the required 10 feet, of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) That providing required parking spaces, design, screening, landscapting and surface for parking area would cause practical difficulty and unreasonable hardship because subject facility and parking area have accomodated an antique shop or similar retail business for past 41 years, are consonant with surrounding landscape, not a danger to the public, desired by area residents and do not justify additional expense.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm. under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: John B. Merryman (Type or Rrint Name) (Type or Print Name) Am & Merrymun Signature (Type or Print Name) Attorney for Petitioner: Sparks, Maryland 21152 424 Woodbine Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted LEWIS L. FLEURY, ESQUIRE

Attorney's Telephone No.: 225-9200 ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

FILED ON 10/21/90 BY VLL ANY TIME CRUAY

Towson, Maryland 21204

Zoning Commissioner of Baltimore County.

424 Woodbine Avenue

F. RAPHEL & ASSOCIATE Registered Professional Land Surveyors 205 COURTLAND AVENUE TOWSON, MARYLAND 21204

requested, indicated that if the special exception were granted, it would

be in the community's best interests if the parking and paving require-

ments set forth in the zoning regulations would be varianced and the prop-

erty remain in its present condition. The testimony indicated that in

light of the actual traffic generated by the use of the subject property,

the existing conditions are adequate and believed to be in the best inter-

ests of the community. The testimony and evidence presented in the previ-

once again stated his preference to the requested variances in this case

zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical

1) whether strict compliance with requirement would

unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

district or whether a lesser relaxation than that

3) whether relief can be granted in such fashion

that the spirit of the ordinance will be observed and

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

applied for would give substantial relief; and

public safety and welfare secured.

whether the grant would do substantial injustice to applicant as well as other property owners in the

difficulty for an area variance, the Petitioner must meet the following:

burdensome;

It should also be noted that the comments submitted by the Office

Mr. Hupfer reiterated his objections to the proposed use, but

An area variance may be granted where strict application of the

ous case was incorporated into the instant matter by agreement.

of Planning dated January 11, 1991 support the requested variances.

being granted if the special exception in the prior case is approved.

OFFICE: 825-3808

DESCRIPTION TO ACCOMPANY

PETITION FOR ZONING VARIANCES

#15116 YORK ROAD

August 21, 1990

Beginning for the same in the centerline of York Road (Route 15). 66' wide, said point being located S 14° 30' 00" E 315' + from the intersection formed by the centerline of Belfast Road and the centerline of York Road (Route 45), running thence in the centerline of York Road (Route 45), S 14° 30' 00" E 230.00', thence leaving York Road, (Route 45), and running the 3 following courses and distances: 1) Parrallel to and 70' southeasterly from the existing stone building S 75° 30' 00" W 190', thence 2) N 14° 30' 00" W 230.00', 3) N 75° 30' 00" E 190.00' to the place of beginning.

Containing 1.003 Ac. . Being known as #15116 York Road.



- 3-

424 Woodbine Avenue Towson, Maryland 21204 RE: PETITION FOR ZONING VARIANCE

W/S York Road, 315' S of Belfast Road (15116 York Road) 8th Election District - 3rd Councilmanic District John B. Merryman - Petitioner Case No. 91-222-A

Dear Mr. Fleury:

111 West Chesapeake Avenue

Lewis L. Fleury, Esquire

Towson, MD 21204

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

Baltimore County Government

April 17, 1991

Zoning Commissioner

Office of Planning and Zoning

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

(In MNstorag ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County

AMN:bjs

831 Walter Lane, Sparks, Md. 21152

Mr. John G. Leonard 29 Chesterfield Court, Monkton, Md. 21111

People's Counsel

File

Towson, Maryland 21204 825-9200

MAP NW B3-B

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Marviand

Contact' were Large	
District 8 x/v.	Date of Posting January 14, 1991.
Posted for: Variance  Peritioner: Jahre B. M.	Terryman Road, 315' 5 of Belfast Road of 15116 York Road
Location of property: W/s York (	(cad, 315 5 of Belfast, Nous
Location of Signs In front	f 15116 York Road
Remarks:	Date of return: January 18, 1991
Posted by	

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive weeks, the first publication appearing on 3-7,  $19\frac{9}{1}$ 

THE JEFFERSONIAN,

5. Zehe Orlan.
Publisher

887-3353

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

December 17, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or follows:

Case numbers: 90-475-XA and 91-222-A W/S York Road, 315' S of Beffast Road 15116 York Road Bit Election District 3rd Councilmanic Petitioner(s):
John B. Merryman Hearing Date: Thursday, April 4, 1991 at 9:30 a.m.

Special Exception: or an antique shop in a R.C. 5 zone.

Variance: to allow one double faced free standing sign with surface area of 14 sq. ft. rather than

single faced sign not to exceed 5 sq. ft. in area and to allow setback of 58 ft. from centerline, rather

Variance:to allow 3 existing

parking spaces rather than 4 re-quired; to allow existing design, screening, landscaping and un-striped stone surface for parking

rather than those required; and to allow 2 foot setback from street right-of-way for off-street parking in lieu of the required 10 feet.

J. ROBERT HAINES

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-222-A W/S York Road, 315' S of Belfast Road 15116 York Road 8th Election District - 3rd Councilmanic Petitioner(s): John B. Merryman HEARING: THURSDAY, FEBRUARY 7, 1991 at 9:30 a.m.

Variance to allow 3 existing parking spaces rather than 4 required; to allow existing design, screening, landscaping and unstriped stone surface for parking rather than those required; and to allow 2 foot setback from street right-of-way for off-street parking in lieu of the required 10 feet.

J. Robert Jaines

Zoning Commissioner of Baltimore County

cc: John B. Merryman

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avance of Toward Mandard 21204

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication appearing on 3 - 7,  $19 \frac{9}{11}$ 

9 123.42

**Baltimore County** Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Case numbers: 90-475-XA; and 91-222-A ; W/S York Road, 315' S of Beltast Road 15116 York Road

Special Exception for an antique shop in a R.C. 5 zone.

Variance:to allow one double faced free standing sign with surface area of 14 sq. ft. rather than

single faced sign not to exceed s sq. ft. in area and to allow setbac

than 75 ft. 91-222-A Variance:to allow 3 existing

parking spaces rather than 4 re-quired; to allow existing design, screening, landscaping and un-striped stone surface for parking

rather than those required; and to allow 2 foot setback from street right-of-way for off-street parking in lieu of the required 10 feet.

J. ROBERT HAINES

Zoning Commissioner of Baltimore County

Cashier Validation:

REVISED PUBLIC HEARING FEED 110 -REVISIONS (ALL OTHERS)

TOTAL: \$75.00 LAST MANC OF CUMER: MEPRYMAN

> 04A04#0061MICHRC BA CO09:53AH10-26-90

M9100365

Please make checks payable to: Baltimore County

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

February 11, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Numbers: 90-475-XA and 91-222-A W/S York Road, 315' S of Belfast Road 15116 York Road 8th Election District - 3rd Councilmanic Petitioner(s): John B. Herryman HEARING: THURSDAY, APRIL 4, 1991 at 9:30 a.m.

Special Exception for an antique shop in a R.C. 5 zone. Variance to allow one double faced frre standing sign with surface area of 14 sq. ft. rather than single faced sign not to exceed 5 sq. ft. in area and to allow setback of 58 ft. from cmeterline, rather than 75 ft.

Variance to allow 3 existing parking spaces rather than 4 required; to allow existing design, screening, landscaping and unstriped stone surface for parking rather than those required; and to allow 2 foot setback from street right-of-way for off-street parking in lieu of the required 10 feet.

J. Robert Hotenese J. ROBERT HAINES

cc: John B. Herryman

Lewis L. Fleury, Esq.

Zoning Commissioner of

Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue

Towson, MD 21204

Baltimore County Zoning Commisioner

County Office Building

111 West Chesapeake Avenue
Towson, Maryland 21204

PUBLIC HEARING FEES

320 -ZORING JARIANDE (STHER)

LAST MAME OF OWNER: MERRYMAN

887-3353

January 29, 1991

Lewis L. Fleury, Esquire 424 Woodbine Avenue Towson, MD 21204

RE: Item No. 176, Case No. 91-222-A Petitioner: John B. Merryman Petition for Zoning Variance

HP10(176

04AD+#0062MICHRC BA C009:53AM10-26-90

PRICE

1 / \$175.00

Please make checks payable to: Baltimore County

TOTAL: \$175,00

Dear Mr. Fleury:

The Zoning Plans Advisory Committee has reviewed the plans subritted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plan: that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> JAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:jw Enclosures

> cc: Mr. John B. Merryman 1140 Cold Bottom Road Sparks, MD 21152

DATE: 3-12-91

John B. Merryman 1140 Cold Bottom Road Sparks, Maryland 21152

Towson, MD 21204

111 West Chesapeake Avenue

Case Number: 91-222-A W/S York Road, 315' S of Belfast Road 15116 York Road 8th Election District - 3rd Councilmanic Petitioner(s): John B. Merryman HEARING: THURSDAY, FEBRUARY 7, 1991 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$198.62 is due for advertising and posting of the above

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your bearing is scheduled to begin.

J. ROBERT HAINES ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

cc: Lewis L. Fleury, Esq.

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

887-3353

Your petition has been received and accepted for filing this

21st day of November, 1990.

Received By:

Zoning Plans Advisory Committee

Petitioner: John B. Merryman

Petitioner's Attorney: Lewis L. Fleury



Maryland Department of Transportation State Highway Administration

Richard H. Trainor Secretary Hal Kassoff Administrator

November 14, 1990

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Baltimore County John B. Merryman Property Zoning Meeting of 11-9-90 W/S York Road (MD 45) 315' South of Belfast Rd. (Item #176)

Attn: Mr. James Dyer Dear Mr. Haines:

We have reviewed the submittal for the John B. Merryman property and find the plan acceptable with no changes to the existing site.

If we can be of further assistance, please contact Larry Brocato of this office at (301) 333-1350.

> Very truly yours, Intestatile John Contestabile, Chief Engineering Access Permits Division

LB:ma∵ cc: E. F. Raphel & Assoc. Mr. J. Ogle

received

My telephone number is (301) 333-1350 (Fax = 333-1041) Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

NOVEMBER 2, 1990

Dennis F. Rasmussen

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

JOHN B. MERRYMAN RE: Property Owner:

#15116 YORK ROAD Location: Zoning Agenda: NOVEMBER 13, 1990 Item No.: 176

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. SEC. 25

Fire Prevention Bureau Special Inspection Division

JK/KEK

lecelaeo

PAUTIMORE COUPER, MARYLAND INTEROFFICE COPPESSONDENCE

TO: Zoning Adminory Committee HATE: November 16, 1990 FROM: Bobert W. Douling, F.F.

BE: Zining Advisory Committee Meeting for Harmber 13, 1990

The Boy Lovers Engineering Pivision has reviewed the subject theirs items and we have no comments for

Items 170, 177, 175, 176, 178, and 180, THERETT, PARING, P.E. Boyel perc Engineering Divisio

CMB:c

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

November 28, 1990

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204



Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers, 170, 172, 175, 176, 178, and 180.

> Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

INTER-OFFICE CORRESPONDENCE

DATE: December 6, 1990 70: James E. Dyer Zoning Supervisor

FROM: James H. Thompson Zoning Enforcement Coordinator RE: Item No. 176 (if known)

Petitioner: John B. Merryman (if known)

VIOLATION CASE # 90-276A LOCATION OF VIOLATION 15116 York Road DEFENDANT John B. Merryman

ADDRESS 15112 York Road Sparks, MD 21152 Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

Lewis Fleury, Esquire

Phyllis Novoteny

424 Woodbine Avenue Baltimore, MD 21204 13612 Poplar Hill Road Phoenix, MD 21131

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

Caltimore County Government Zoning Commissioner e of Planning and Zoning 114 Ave.a Chempente Avenue Towson, MD 2120 i

December 21, 1990

Lewis L. Fleury, Esquire 424 Woodbine Avenue Towson, MD 21204

RE: Case Number: 91-222-A John B. Merryman POSTPONEMENT OF FEBRUARY 7, 1991 HEARING DATE

Dear Mr. Herryman: As referenced above and pursuant to our telephone conversation of today's date, John B. Merryman's scheduled hearing of February 7, 1991 has been postponed.

Your telephone call was timely, enabling me to halt advertising and posting pertaining to the February date. I thank you for same.

The case will be reset after February on a date convenient for both your client and yourself. Very truly yours,

> G. G. Stephens (301) 887-3391

gai Mr. John B. Merryman 1140 cold bottom boad Sparks, MD 21352

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: January 11, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: John B. Merryman, Item No. 176

The petitioner requests a variance to allow three existing parking spaces in lieu of the required four; a modification of design, screening, landscaping and surface requirements; and a 2 ft. setback from street right-of-way for off-street parking in lieu of the required 10 ft.

In reference to the petitioner's request, staff offers the following comment:

This office does not support commercialization outside of the rural villages and centers as identified on the Master Plan. An exception to this is for the adaptive reuse of historic buildings or buildings or rural character. In these cases, it is most appropriate to maintain some degree of flexibility in terms of the application of urban improvements standards. For example, the amount of impervious surface, and screening.

The stone structure at 15116 York Road is an outbuilding of MHT Site No. BA 375, the main structure being listed as the "Merryman House." The small building to be utilized as an antique shop was a dairy outbuilding used as a collection point for milk cans. Possibly they were sterilized there -- note the extra large chimney. The main house can be found on the 1850 map by J.C. Sidney. The small structure mentioned was listed as significant as long ago as 1971, surveyed by local volunteer.

Therefore, this office supports the requested variances from these urban standards for the specified antique shop or any similar retail business use.

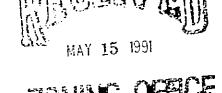
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm ITEM176/ZAC1

received

LEWIS L. FLEURY ATTORNEY AT LAW 424 WOODBINE AVENUE TOWSON, MARYLAND 21204

May 15, 1991



Ms. Ann M. Nastarowicz Deputy Zoning Commissioner County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

> RE: Petitions for Special Exception and Zoning Variance W/S York, 315' S of Belfast Road 8th Election District - 3rd Councilmanic District Cases Nos. 90-475-XA and 91-222-A, respectively

Dear Deputy Commissioner:

On behalf of Mr. John B. Merryman, owner of the above property, I request the following revisions of the Orders in the above matters entered on April 17, 1991:

As to case no. 90-475-XA, revise subparagraph no. 2 to read as follows:

"2. The special exception granted herein is limited to the use of the subject property as an antique shop. In the event the use of the subject property as an antique shop is discontinued for one hundred twenty (120) days or more, the relief granted herein shall terminate."

As to case no. 91-222-A, revise paragraph no. 2 as follows:

"2. The relief granted herein is limited to the use of the subject property as an antique shop. In the event the property is sold or its use as an antique shop is discontinued for one hundred twenty (120) days or more, the relief granted herein shall terminate."

